IN THE JUSTICE OF THE PEACE COURT NO. 16 OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY

Miles Lederer Catherine Lederer	§ § §
Plaintiffs,	§ § C.A. No. JP16-22-005489
V.	§ §
Sandy Drummond,	§ §
Defendant.	§ §

TRIAL DE NOVO

Case Heard: February 10, 2023 Case Decided: February 10, 2023

Plaintiff Miles Lederer appeared via ZOOM.
Plaintiff Catherine Lederer appeared via ZOOM.
Plaintiff Attorney Brian Glancy, Esquire appeared via ZOOM.
Defendant Sandy Drummond appeared *pro se*.

NOTICE OF JUDGMENT/ORDER

This is a *de novo* appeal to a three-judge panel from a decision dated November 14, 2022. The panel, comprised of Judges Smith, Dillard, and Sherlock, heard the new trial on February 10, 2023. Based on the following, the panel *finds for the Plaintiff*.

BACKGROUND

Plaintiff filed a Landlord/Tenant Summary Possession petition on September 6, 2022 seeking holdover rent, court costs, and possession of the rental unit located at 37 Chatham Court in Dover, Delaware 19901. At issue was Defendants failure to vacate the rental unit after receiving a properly constructed 60 Day notice. Trial was held on November 14, 2022 and judgment was entered in favor of the Plaintiffs. Defendant filed a timely appeal on November 18, 2022 and a trial *de novo* was scheduled.

TESTIMONY OF PARTIES & WITNESSES

Plaintiff Miles Lederer testified he and his wife are the owners of 37 Chatham Court in Dover, Delaware 19901. He began renting the property to Mr. Drummond in May of 2016. Mr. Lederer notified his attorney to send a *60-day* notice of lease termination to Mr. Drummond. It was sent certified mail on June 27, 2022 and received on June 29, 2022. Mr. Drummond was to vacate the unit on or before August 31, 2022 but has yet to do so. Mr. Lederer says Mr. Drummond does not have permission to reside there as he wants his rental unit back in his possession. There was no relevant cross examination of this witness.

Plaintiff entered into evidence, without defendant's objection, the following exhibits: The lease from May of 2016, the properly constructed *60-day* notice sent on June 27, 2022, and the certificate of service received on June 29, 2022. Plaintiff rested.

Defense witness Deborah Anderson was unable to provide any relevant testimony with regard possession. Defendant Sandy Drummond testified he was a tenant of the rental unit since 2016, wanted to purchase the property, and had a good relationship with the Plaintiffs until it began to "sour". There was no cross-examination of either witness. Defendant rested.

DISCUSSION

Pursuant to 25 Del. C. § 5106(d), "Where the term of the rental agreement is month-to-month, the landlord or tenant may terminate the rental agreement by giving the other party a minimum of 60 days written notice, which 60-day period shall began on the first day of the month following the day of actual notice".

CONCLUSION

After considering the evidence and testimony presented, the panel finds Plaintiff has proven its case by a preponderance of the evidence and issues a unanimous verdict in favor of the Plaintiffs and against Defendant Sandy Drummond as follows:

Possession to Plaintiff

The Court announced its decision in open court on February 10, 2023 and reduced it to writing on February 10, 2023.

IT IS SO ORDERED this 10th day of February, 2023.

/s/ Michael P. Sherlock
Michael P. Sherlock
Justice of the Peace
FOR THE COURT